

REMARKS

Status of the Claims

- Claims 12, 14, 18, 20, and 22 are pending in the Application after entry of this amendment.
- Claims 12-14, 18, 20, and 22-26 are rejected by Examiner.
- Claims 12 and 18 are amended by Applicant.
- Claims 13, and 23-26 are cancelled.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 12-14, 18, 20, and 22-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent Publication No. 2002/0071448 to Cervello et al. (Cervello) in view of U.S. Application No. 60/387,434 to White et al. (White). Applicant respectfully traverses the rejection via amendment.

Applicant amends independent Claims 12 and 18 to include the aspect of operation in the distributed coordination function (DCF) mode, and the aspect that there is a distributed inter-frame space (DIFS) period between at least two uninterrupted multicast frames.

Support for the DCF aspect can be found on page 2 lines 17-19 of the as-filed specification. Support for the DIFS period between uninterrupted frames can be found in Figure 5 and page 9 lines 1-3 of the as-filed Specification.

In general, the claimed invention is a method and apparatus (access point), operating in DCF mode, that is able to transmit not just one, but a plurality of multicast frames by setting a time duration. The invention operates to transmit multicast frames on an uninterrupted basis even when a DIFS interval exists between any two of the multicast frames.

Applicant notes that it would be unexpected to encounter a DIFS period between uninterrupted frame transmissions in the DCF mode because DIFS periods normally offer other transmitters an opportunity to access the medium.

Other transmitters contending for the medium would normally interrupt the transmission of a plurality of multicast frames having a DIFS period between frame transmissions. However, the present invention operates in DCF mode to transmit a plurality of multicast frames in an uninterrupted manner even when there is a DIFS period between frame transmissions.

Cervello discusses collision avoidance in an IEEE802.11 contention free period (CFP) with overlapping Basic Service Sets. Cervello introduces a second network allocation vector (NAV) counter called an Overlapping Network Allocation Vector (ONAV) counter as an integral part of a scheme to reduce contention in the specific situation where there are overlapping basic service sets.

Applicant notes that Cervello is absent any teaching of an inter-frame space between at least two uninterrupted multicast frames in a communication stream being a distributed inter-frame space as recited in pending amended independent Claims 12 and 18.

Accordingly, Cervello fails to disclose elements of a distributed inter-frame space (DIFS) between uninterrupted multicast frames as indicated in pending amended independent Claims 12 and 18.

Along with the above major difference, the current Office Action on pages 5-6 indicates that "...Cervello does not teach that the time duration is for a plurality of multicast frames, such that the communication stream of the plurality of multicast frames is uninterrupted." Applicant agrees. However, Applicant respectfully disagrees that White discusses the elements of independent Claims 12 and 18 that are missing in Cervello.

White describes a system that transmits a broadcast message and then receives sequential responses via unicast replies from the wireless stations that received the broadcast transmission. (See White, paragraphs 0019-0020). The advantage of such a system is that retransmission, if required, need only be sent to the addresses for which an acknowledgement message was not received. White clearly defines this combination of a broadcast transmission from a

broadcast node followed by multiple sequenced unicast return transmissions from receiving nodes as a “Multicast-Broadcast”.

White, in paragraph 0020 acted as his own lexicographer and coined the term “Multicast-Broadcast”. White defines this term to be a protocol including a broadcast transmission followed by multiple time-sequenced unicast transmissions. Specifically, White, at paragraph 0020 states:

“[0020] A system and method according to an embodiment of the present [White] invention provides a way to gain the benefits of both *broadcast and unicast* by acknowledging the broadcast packet. *This method will be referred to herein as a Multicast-Broadcast.*” (emphasis added White, paragraph 0020).

Since White specifically defines the term “Multicast-Broadcast” as being a broadcast transmission followed by unicast acknowledgement transmissions, then one of skill in the art would not misinterpret White’s coined term to be a multicast transmission as is well known in IEEE802.11 usage. It is well known that a broadcast transmission and a multicast transmission are not the same transmission because they have different meanings to one of skill in the art. Accordingly, White’s use of the compound term “Multicast-Broadcast” is clearly not a multicast transmission as known to those of skill in the art because White clearly defines his term as both broadcast and unicast.

White at paragraph 0022 indicates that a CTS message is utilized to generate the list of destinations addresses in the “Multicast-Broadcast” message. However, Applicant believes that in paragraph 0022, the definition of “Multicast-Broadcast” that includes unicast responses to broadcast messages developed in paragraph 0020 is not undermined or changed. Indeed, one of skill in the art would not read White paragraph 0022 and interpret that paragraph to suddenly change the clear definition provided for the White-defined term “Multicast-Broadcast” in paragraph 0020. Accordingly, Applicant is of the belief that White established his definition of “Multicast-Broadcast” in paragraph 0020 and consistently used that definition as would be a hallmark of good authorship of one of skill in the art. Accordingly, Applicant continues to support the contention

that the White-defined term “Multicast-Broadcast” does not actually include multicast because of the clarity of definition provided by White himself in paragraph 0020.

Applicant notes that neither the term broadcast nor the term unicast is used in amended independent Claims 12 and 18. White defines “Multicast-Broadcast” as having both broadcast and unicast transmissions, but does not actually include multicast. Thus, Applicant respectfully concludes that White’s use of broadcast and unicast transmissions via the use of the White-defined term “Multicast-Broadcast” do not lie in the same claim space as the pending claims which describe multicast transmissions.

Since Cervello fails to teach or suggest all of the elements of amended independent Claims 12 and 18, and since White also fails to teach or suggest the elements that are missing from Cervello, and since White specifically addresses a combination of broadcast and unicast transmissions, whereas the present claims are directed to multicast transmissions, then, it would be clear to one of skill in the art that the combination of Cervello and White do not teach or suggest all of the aspects of the pending amended independent claims. Thus, there is no motivation to combine the references under 35 USC §103(a) per MPEP §2143 to arrive at the claimed invention because all of the elements are not found in the combination of the cited art.

Applicant respectfully submits that pending amended independent Claims 12 and 18 patentably define over the cited art as described above. Also, dependent Claims 14, 20, and 22 of the above-mentioned independent claims are likewise rendered patentably distinct over the cited references per MPEP §2143.03.

Conclusion

Applicant respectfully submits that the pending claims patentably define over the cited art for the reasons stated herein. Applicant respectfully requests reconsideration and withdrawal of all rejections. Reconsideration for a Notice of Allowance on the pending claims is also respectfully requested.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,
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